

PATENT
P07 42029 (18810-80323)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: WECHSLER ET AL.
Serial No. 09/299,817
Filed: April 26, 1999
For: **HERPES SIMPLEX VIRUS TYPE 1 (HSV-1)-DERIVED
VECTOR FOR SELECTIVELY INHIBITING MALIGNANT
CELLS AND METHODS FOR ITS USE TO TREAT CANCERS
AND TO EXPRESS DESIRED TRAITS IN MALIGNANT AND
NON-MALIGNANT MAMMALIAN CELLS**

Examiner: WEHBE, ANNE MARIE SABRINA

Unit: 1632

Confirmation: 3738

CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE AND LABEL INDICATED BELOW AND IS ADDRESSED TO MAIL STOP ISSUE FEE, COMMISSIONER FOR PATENTS, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450

11/5/03

Date of Deposit and Signature

Ann Weiss

EV 306 393 255 US

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**TRANSMITTAL OF
SUPPLEMENTAL DECLARATION OF ANTHONY B. NESBURN
UNDER 37 CFR §1.67**

MAIL STOP ISSUE FEE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

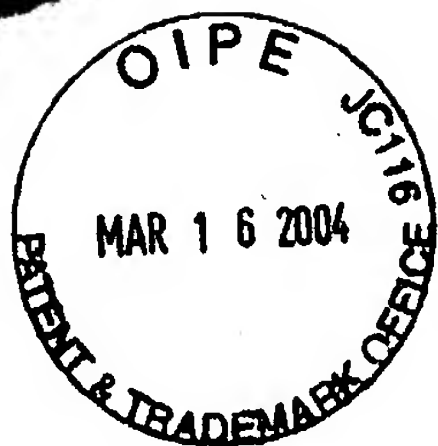
Transmitted herewith for filing in the above-identified application is an executed
Supplemental Declaration of Anthony B. Nesburn, indicating his citizenship as "U.S.A."

Respectfully submitted,

By:

Nisan A. Steinberg, Ph.D.
Reg. No. 40,345

Sidley Austin Brown & Wood LLP
555 West Fifth Street
Los Angeles, California 90013
Ofc: 213/ 896-6665
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11/5/03 [Signature] EV 306 393 255 US
Date of Deposit and Signature Ann Weiss Express Label No.

SUPPLEMENTAL DECLARATION OF ANTHONY B. NESBURN

MAIL STOP ISSUE FEE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought in U.S. Serial No. 09/299,817, referenced above, and the specification of which was filed on April 26, 1999. This application was amended on August 23, 2000; March 8, 2001 and April 17, 2001; and October 8, 2001. An RCE was filed on June 27, 2002, and a further amendment was filed on March 24, 2003. (An issue fee was paid on September 30, 2003.)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

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I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: STEVEN L. WECHSLER

Joint or first inventor's signature: (See Inventor's Declaration filed July 2, 1999)

Date: _____

Residence: 4401 Sevenoaks Court, Westlake Village, CA 91361

Citizenship: U.S.A.

Post Office Address Same as above

Full name of second joint inventor: ANTHONY B. NESBURN

Joint or second inventor's signature: *Anthony B. Nesburn*

Date: 11/1/03

Residence: 18128 Wakecrest Drive, Malibu, CA 90265

Citizenship: U.S.A.

Post Office Address Same as above

Full name of third joint inventor: GUEY-CHUEN PERNG

Joint or third inventor's signature: (See Inventor's Declaration filed July 2, 1999)

Date: _____

Residence: 217 South Fifth, Apt. A., Alhambra, CA 91801

Citizenship: U.S.A.

Post Office Address Same as above

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Full name of fourth joint inventor: JOHN S. YU

Joint or fourth inventor's signature: (See Inventor's Declaration filed July 2, 1999)

Date: _____

Residence: 1929 Linda Flora Drive, Los Angeles, CA 90077

Citizenship: U.S.A.

Post Office Address Same as above

Full name of fifth joint inventor: KEITH L. BLACK

Joint or fifth inventor's signature: (See Inventor's Declaration filed July 2, 1999)

Date: _____

Residence: 1233 Roberto Lane, Los Angeles, CA 9077

Citizenship: U.S.A.

Post Office Address Same as above